



STATE OF DELAWARE


**PUBLIC SERVICE COMMISSION**  
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March 22, 2017

**MEMORANDUM**

TO: The Chair and Members of the Commission

FROM: Shona Marshall, Public Utility Analyst 

SUBJECT: IN THE MATTER OF THE APPLICATION BOLLINGER ENERGY CORPORATION FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (SUBMITTED FEBRUARY 2, 2017; FILED MARCH 1, 2017) - PSC DOCKET No. 17-0069

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**Background**

On February 2, 2017 Bollinger Energy Corporation (the “Company” or “Bollinger”) submitted an application (the “Application”) with the Delaware Public Service Commission (the “Commission”) for an Electric Supplier Certificate (“ESC”) to broker electric supply services in the State of Delaware pursuant to §1012 of the Electric Utility Restructuring Act of 1999, 26 *Del. C.* §1001 - §1020 (the “Act”) and 26 *Del. Admin. C.* §3001, the Commission’s Rules for Certification and Regulation of Electric Suppliers (the “Supplier Rules”).<sup>1</sup>

**Application**

The Company’s original filing was submitted on February 2, 2017 but the submitted Application did not meet the minimum filing requirements (MFR’s). In a letter dated February 27, 2017, Staff requested the Company submit professional resume for Matthew Bollinger, President of the Company. The documents were received on March 1, 2017. This information satisfies the MFR’s for this Application.

**Review and Analysis**

**Authority to do Business in Delaware**

The Company is a Corporation was formed under the laws of the state of Maryland. The Company provided a certificate of good standing issued December 4, 2016 by the Delaware Secretary of State that it is legally authorized and qualified to do business in the State of Delaware and it provided its Delaware business license issued January 5, 2016.

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<sup>1</sup> Unless otherwise noted, all references to capitalized terms are set forth in the Act and/or the Supplier Rules.

#### Resident Agent

The Company supplied the contact information for a Delaware Registered Agent listed in the application as The Corporation Trust Company located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

#### Compliance with Regional Requirements

The Company agrees to only work with Electric Suppliers who have been certified in Delaware and comply with PJM's requirements.

#### **Financial, Operational, Managerial and Technical Ability**

The Company provided a copy of the following statements: Consolidated Balance Sheet, Consolidated Statement of Operations, Consolidated Change in Stockholder's Equity, Consolidated Statement of Cash Flows, and Notes to the consolidated financial statements as indicia of financial capability under Section 2.1.1.5.1 of the Supplier Rules. The Company's statements were reviewed by an independent accountant. Staff believes that the confidential financial statements show evidence of the Applicant's ability to provide electric supply services in the State of Delaware.

The Company anticipates serving Small Commercial, Large Commercial and Industrial customers to broker the sale or purchase of electricity throughout the State of Delaware. The Company's application states that it is authorized to do business in the states of Maryland, Pennsylvania and the District of Columbia. Staff was able to confirm the Company's presence in these states by conducting an internet search of the Secretary of State Websites, as well as the state commission websites for each state.

The Application included a summary of the key operating personnel of the Company. Matthew Bollinger is the President of Bollinger Energy Corporation and has held this position since July 2012. He has over five years of managerial experience and over 17 years of experience in the energy industry. Mr. Bollinger worked in sales and business development in relation to operations from September 2000 until June 2012. Meg Brunson is the Vice President of Natural Gas and Electricity at Bollinger and has held this position since December 2002. Prior to acquiring the position of Vice President of Natural Gas and Electricity, Meg Brunson held the position of Manager of the Natural Gas Division from April 1995 until November 2002. From May 1992 until March 1995 Ms. Brunson held the position of Controller with Bollinger.

#### Surety Bond

The Company did not post a surety bond because it is a Broker and there are no service agreements between the Company and any Delaware Electric Distribution Company. The Company will not collect any fees or deposits from any of its customers for any of its brokerage services.

#### Verification of Application

The original Application contained a signed sworn verification of application with the signature of Matthew Bollinger, President of Bollinger. Subsequent filings to the Application have also been verified by Matthew Bollinger.

#### Consent to Jurisdiction

The Company consents to the jurisdiction of the Delaware courts.

#### Contracts

The Company is applying for a license to broker electric supply services for small commercial customers. As a Broker, the Applicant will not have contracts with small commercial customers to provide electric supply services. The applicant has agreed to only work with an entity that complies with PJM's requirements and is a Certified Electric Supplier in Delaware. A Certified Electric Supplier in

Delaware, at the time of filing, provides its standard contract for Residential and Small Commercial Customers or a link to the contract on the Applicant's website for Staff review, pursuant to the Supplier Rules.

#### Statement of Criminal Activity

The Applicant stated that they have not been charged or convicted of any criminal activity nor have any of its principals or corporation offices. An internet review of the Company and its principal did not return any incidents of criminal activity.

#### Legal Review

Staff submitted this Memo for review by the Attorney on March 27, 2017.

#### Staff Recommendation

Based on Staff's review and analysis of the Application, the Company has satisfied the requirements of the Act and the Supplier Rules. The Company has been expeditious in responding to Staff's inquiries. The completed Application supports the Company's request for certification. Staff's review and analysis of the Application submitted by the company demonstrates evidence of capability to render service based on the Company's financial, operational, managerial and technical abilities. Therefore, Staff recommends the Commission approve the Application.